

Serial No. 09/827,031
Docket No. 40655.1000

REMARKS

Applicants reply to the Office Action dated January 27, 2006, within the shortened three month statutory period for reply. Claims 21-32 were pending in the application and the Examiner rejects claims 21-32. Applicants cancel claim 31 without prejudice to filing one or more claims having similar subject matter. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Rejection under 35 U.S.C. § 102(a)

The Examiner rejects claims 21-26, 28-30 and 32 under 35 U.S.C. § 103(a) as being anticipated by Shoman et al., U.S. Patent No. 6,584,451 B1 ("Shoman") in view of Halbert et al., U.S. Patent No. 6,101,484 ("Halbert") in view of Bi et al., U.S. Patent No. 6,311,178 ("Bi"). Applicants respectfully traverse this rejection.

In general, Shoman discloses a system for aggregating the buying power of individual buyers in order to obtain volume discounts on goods and services. The Shoman system includes a web interface to enable sellers to post products and services for sale as well as an indication of a minimum low price they are willing to accept. Buyers interact with the system to indicate an interest in certain products and services along with an indication of a maximum price they are willing to pay. The Shoman system then finds the largest quantity at the smallest price for desired goods and determines if a deal can be completed between the sellers and buyers.

The Examiner correctly notes that Shoman "does not explicitly disclose that the consumer-defined purchase rules are stored in a database" (page 3, paragraph 5). However, the Examiner asserts that Halbert discloses the above step of storing consumer-defined purchase rules in a database.

Halbert generally discloses a market equilibrium management system for selling goods and services through an online buying group. According to Halbert, in order to join a buying group, a consumer must indicate a maximum buying price for a product or service. The maximum buying price essentially locks the consumer into making the purchase if a seller is able to meet the buying price. The binding purchase offer is guaranteed by the consumer's credit card. The buyer's information, including the binding purchase offer, is then stored in a database. The Halbert system then collects a group of buyers from the database with binding purchase offers for the same products or services. From this data, the Halbert system is able to create real-

Serial No. 09/827,031
Docket No. 40655.1000

time yield management information that can be provided to sellers to recommend a lower price per unit.

The Examiner correctly notes that Shoman "also does not explicitly disclose the step wherein there are multiple consumer defined purchase rules for the same buyer" (page 4, paragraph 2). However, the Examiner asserts that Bi does disclose the use of multiple consumer defined purchase rules for the same buyer.

Bi generally discloses a computer matching system for conducting international trade. Specifically, the Bi system provides an improved search engine wherein a user can define a number of specific parameters in order to narrow the results. A commerce database contains a number of records for product offers such as, product description, market position, date of offer, date of delivery, offering entity, price, volume, etc. A consumer may create a search record that contains various requirement parameters which are used to find products most closely matching the defined requirements.

Each of Shoman, Halbert, and Bi disclose systems that enable individual and/or groups of buyers to define a price at which they would be willing to pay for a particular good and/or service. According to Shoman and Halbert, the offer to buy inherently includes two parameters; a purchase price and an item identifier. Bi discloses a system whereby multiple parameters may be defined. In particular, Shoman and Halbert disclose systems whereby consumers may be grouped according to purchasing preferences. However, the disclosed systems would not be capable of providing beginning-to-end processing of an itinerary, wherein any number of external reservations systems may need to be scanned in order to group similar itineraries into subsets for the purpose of aggregating the purchasing power of travelers. As such, neither Shoman, Halbert, Bi, nor any combination thereof, disclose or suggest at least, "storing, at a travel reservations database, an itinerary having consumer defined purchase rules for said travel service," as similarly recited by independent claims 21 and 32.

Dependent claims 22-26 and 28-30 variously depend from independent claim 21. As such, dependent claims 22-26 and 28-30 are differentiated from the cited references for at least the reasons described above, as well as in view of their own respective features.

The Examiner next rejects claims 27 and 31 under 35 U.S.C. § 103(a) as being anticipated by Shoman in view of Halbert in view of Bi as applied to claim 21, and in further view of Walker et al., U.S. Patent No. 5,794,207 ("Walker"). Applicants cancel claim 31,

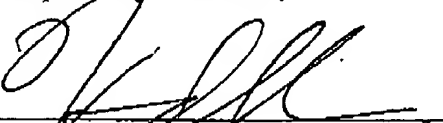
Serial No. 09/827,031
Docket No. 40655.1000

however, Applicants respectfully traverse the rejection of claim 27. Walker also does not disclose a system capable of providing beginning-to-end processing of an itinerary, wherein any number of external reservations systems can be scanned in order to group similar itineraries into subsets for the purpose of aggregating the purchasing power of travelers. Applicants assert that claim 27 depends from independent claim 21, so claim 27 is differentiated from the cited references for at least the reasons described above, as well as in view of its own respective features.

In view of the above remarks and amendments, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject Application. Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814.

Respectfully submitted,

Dated: 4/27/06


Howard Sobelman
Reg. No. 39,038

SNELL & WILMER L.L.P.
400 E. Van Buren
One Arizona Center
Phoenix, Arizona 85004
Phone: 602-382-6228
Fax: 602-382-6070
Email: hsobelman@swlaw.com